

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

MARK. A. BAKKE ET AL.

Serial No.: 09/373,795

Filed: August 13, 1999

For: DISTRIBUTED FILE DATA LOCATION

Attorney Docket No.: 98-127-NSC

Group Art Unit: 2166

Examiner: Channavajjala

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT
BASED ON FAILURE TO RECEIVE OFFICE ACTION**

Mail Stop Petition
Commissioner for Patents
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A Decision On Appeal mailed September 13, 2006 affirmed-in-part the examiner's final rejection of claims 1-20 for the above referenced matter. A Request For Reconsideration was not made.

A review of PAIR indicates that an Office Action having a three month shortened statutory period for response was issued on January 10, 2007. Applicants' attorney submits that a search of the attorney's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office Action was not received at the correspondence address of record. Applicants' attorney requests that the USPTO withdraw any holding of abandonment and re-mail the Office Action.

Office letters from the United States Patent and Trademark Office (USPTO) are date and time stamped as "Received" and forwarded to a docketing specialist. The docketing specialist records, *inter alia*, the type of letter and its mailing date against the appropriate matter in a computerized docketing system. The computerized docketing system generates applicable due date(s). The letters are then delivered to the appropriate attorney/agent.

Exhibit A (attached herewith) is copy of the docket information from the computerized docketing system for Application No. 09/373,795 (Attorney Docket No. 98-127-NSC). The "Action Type" field lists the most recent docketed event, i.e., a Request For Reconsideration, associated with the application. The "Due Date" field indicates an applicable due date associated with the docketed event.

If the Office Action mailed January 10, 2007 had been received, it would be listed in the "Action Type" field and "10-Jan-2007" would be listed in the "Action Base Date" field. Additionally, an applicable due date associated with the Office Action would be listed in the "Due Date" field.

Exhibit B (attached herewith) is a copy of a master docket showing all replies docketed for a date three months from January 10, 2007. The master docket does not show any outstanding replies docketed for a date three months from January 10, 2007. If the Office Action had been received and not responded to, the master docket would still include an entry associated

with the Office Action. For example, the master docket would include an entry having a "Due date/Date Type" of "10-Apr-2007," an "Action Base Date/Action Type" of "10-Jan-2007," etc.

Respectfully submitted,

MARK. A. BAKKE ET AL.

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Date: March 18, 2008

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Actions Due

17-Mar-2008

Client Matter #:	98127	Country:	US	Sub Case:	
Application #:	09/373795	United States of America			
Filing Date:	13-Aug-1999	Status :	Pending		
Action Type:		REQUEST FOR RECONSIDERAT		Action Base Date: 13-Nov-2006	
Response sent dt:					

Action(s) Due	Due Date	Indicator	Taken
REQUEST FOR RECONSIDERA	13-Nov-2006	DueDate	<input type="checkbox"/>

Client Matter #:	98127	Country:	United States of America
Action Type:	REQUEST FOR RECONSIDERA		
Remarks: Press CTRL-ENTER to start new line.			
<div></div>			
UserId:	CAROL	Date Created:	18-Sep-2006
		Last Update:	18-Sep-2006

EXHIBIT A

Due Date List By Date

From 1/9/2007 To 4/11/2007

Due date/ Date Type	Reason for Date	Action Base Date/ Action Type	Client Matter #	Sub Case/ Client	Country	Attorney(s)	Application Number	Filing Date
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Status: